

REMARKS

By the foregoing Amendment, Claims 18-19 and 20-22 are amended. Applicant respectfully submits that no new matter was added by the amendment, as all of the amended matter was either previously illustrated or described in the drawings, written specification and/or claims of the present application. Entry of the amendment and favorable consideration thereof is earnestly requested.

The Examiner objected to Claim 2, under 37 CFR 1.75(c), because it allegedly does further limit independent Claim 1. However, Claim 2 adds the limitation of “determining the non-circular-orbit based on locations of said first point and said second point.” Claim 1 does not include such limitations. In fact, Claim 1 does not prescribe any method of determining the non-circular-orbit. In any event, 35 U.S.C. § 112 does not require that a dependent claim further “limit” a previous claim in the sense of adding further structural or process limitations. The only requirement for a dependent claim is that it include all of the limitations of a claim from which it depends and does not seek to change the scope of such claim. Consequently, the objection to claim 2 is not well-founded and should be withdrawn.

The Examiner rejected Claims 18-19 and 20-22 under 35 U.S.C. § 112, second paragraph, as being indefinite. The amendments to these Claims should obviate this rejection.

The Examiner has further rejected claims 11, 13-16 and 18-20 under 35 USC § 103(a) as being unpatentable over Lonn (US 5,777,332) in view of Pierfitte (US 6,204,503); claim 17 as being unpatentable further in view of Gagnon (US 6,147,353); and claims 23 and 24 as being unpatentable further in view of Stephan (US 5,677,535). These grounds of rejection are traversed.

While it is conceded that Pierfitte discloses using two detector heads to acquire tomographic image data, Lonn does not disclose a method or apparatus for determining an orbital path employing the same modalities as disclosed and claimed in the present invention.

Independent Claim 11 requires the steps of “moving, relative to the patient, a first (and second) detector toward said patient to a position adjacent to said patient,” and,

based on these two positions, "calculating an orbital path...." In the method disclosed by Lonn, on the other hand, the system:

1. pitches the detector out,
2. moves the detector tilt to zero,
3. rotates the gantry to -90, 0, +90, or +180 degrees, and
4. centers the table laterally.

(see Col. 7 ll. 3 – 6) In other words, the Lonn method is to move the detector around the patient, adjust the tilt of the director to face the patient, rotate the gantry to specific positions around the patient, and finally to move the patient. At no point during the Lonn method is the detector moved "toward said patient to a position adjacent to said patient," as required by Claim 11. Therefore, even if the Lonn patent were to be combined with the Pierfitte, it would still not disclose a method of orbital calculation where the detectors are moved "toward said patient to a position adjacent to said patient," as required by Claim 11, therefore Claim 11 should be patentable.

Similarly Claim 13 requires "a first (and second) carrier mechanism configured to move said first (and second) detector element in a first (and second) direction from a position distal to the patient to a first (and second) position proximate to said patient" and "a control unit configured to calculate an orbital path ... based upon said first and second positions." As described above, the Lonn patent does not describe a device that moves from a distal position to a proximate position as required by Claim 13. In the Lonn patent the patient and the detector are brought into close proximity through a circular movement of the detector around the patient and a longitudinal movement of the patient; as opposed to the movement of the detector towards the patient described in the present invention. For these reasons, the Lonn patent combined with the Pierfitte patent does not disclose an orbital-detector apparatus of the present invention, and, therefore, Claim 13 and its dependants should all be patentable.

In view of the above, Applicant respectfully submits that Claims 11, 13 and their dependents are not obvious in view of the references of record. For the foregoing reasons, Applicant respectfully submits that all pending claims, namely Claims 1-30, are patentable over the references of record, and earnestly solicits allowance of the same.

Conclusion

Favorable reconsideration of this application and the issuance of a Notice of Allowance are requested.

Please charge any fee or credit any overpayment pursuant to 37 CFR 1.16 or 1.17 to Novak Druce Deposit Account No. 14-1437.

RESPECTFULLY SUBMITTED,					
NAME AND REG. NUMBER	Vincent M. DeLuca Attorney for Applicants Registration No. 32,408				
SIGNATURE	<i>Vincent M DeLuca</i>		DATE	14 May 2007	
Address	Novak, Druce, DeLuca + Quigg LLP 1300 I Street, N.W., Suite 1000 West Tower				
City	Washington	State	D.C.	Zip Code	20005
Country	U.S.A.	Telephone	202-659-0100	Fax	202-659-0105